MARYLAND HISTORICAL TRUST BOARD OF TRUSTEES' MEETING July 28, 2016

100 Community Place, Crownsville, MD

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust (MHT) was held at 100 Community Place in Crownsville. MD on July 28, 2016.

Trustees present: Mmes. Bailey, Filkins, and Mears and Messrs. Delgado, Edson, Feldstein, Gibson, Lighthizer, Luckenbach, Parker, Poffenberger, Robinson.

Area Representatives present: Messrs. Azola, Brown, Callan, Charlton, Eshelman, Reed and Spikes.

Maryland Department of Planning: Wendi Peters, Secretary: Ewing McDowell, Deputy Secretary.

Office of the Attorney General: Rieyn DeLony

Maryland Historical Trust Staff: Michael Day, Karen Kennedy, Nancy Kurtz, Mareia Miller, Kathy Monday, Mark Thompson

Guests: Nicholas Redding, Preservation Maryland; Judy Dobbs, Maryland Humanities Council; Brian Greenan, Baltimore Development Corporation; Eric Holcomb and Stacy Montgomery, CHAP; Lauren Hale, Anne Marie Hale

X1 CALL TO ORDER

Mr. Edson, Chair, called the meeting to order at 10:05 a.m.

Mr. Edson recognized Michael Day and the staff of the Trust for their efforts in painting and redecorating the offices of the Trust.

Mr. Edson welcomed Secretary Wendi Peters and Deputy Secretary Ewing McDowell to the meeting and invited the Board to introduce themselves. He also welcomed new Board members Laura Davis Mears of Worcester County and Franklin Robinson of Charles County.

X2 APPROVAL OF MINUTES

Mr. Reed made a motion, seconded by Mr. Callan that the May 19, 2016 minutes be approved as submitted. The motion was approved unanimously.

X3 COMMITTEE REPORTS

X100 Capital Programs

X101R Mayfair Partial Demolition Request

Mr. Day reported that the Maryland Historical Trust and the City of Baltimore entered into a Memorandum of Agreement (MOA) on January 31, 2001 which addresses the redevelopment of the west side of downtown Baltimore. The MOA between the Trust and the City (represented by the Baltimore Development Corporation) was the result of extended negotiations over which buildings could be demolished without further review or consultation, and which buildings must either be preserved or given priority for preservation.

The MOA does not change MHT's ability to review undertakings involving historic properties that are using state or federal funds, permits, or licenses. The MOA expands MHT's authority in only one area – it gives MHT the authority to review undertakings involving City-owned properties that do not involve state or federal funds, permits or licenses. The proposed demolition of the former Mayfair Theater, located at 506 North Howard Street, fall into this category of undertaking.

The Board resolved at its February 3, 2011 meeting that "the Board's Executive Committee or the full Board, if possible, should be consulted and approve all actions carried out by the Trust under the MOA." Therefore, Trust staff are bringing the Mayfair Theater demolition project to the Board for consideration and action.

Brian Greenan of the Baltimore Development Corporation explained that the former Mayfair Theater has suffered significant deterioration over time and has become increasingly unstable. It is now deemed a threat to public safety. The City plans to deconstruct segments of the side and rear elevations of the structure while stabilizing the front façade and lobby as soon as possible. Discussion followed.

Ms. Bailey made the following motion. Mr. Reed seconded the motion which was approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves of the request for the deconstruction of segments of the side and rear elevations of the Mayfair Hotel and stabilization of the front façade and lobby contingent upon the prior review and approval of the specific stabilization approach by staff of the Maryland Historical Trust.

X102R West Side MOA Termination Discussion

Mr. Day reported that on September 28, 2015. Trust staff met with staff from the Baltimore Development Corporation (BDC) and the Commission for Historical and Architectural Preservation (CHAP) to discuss the future of the 2001 Memorandum of Agreement between Baltimore City and the Maryland Historical Trust. Both BDC and CHAP expressed interest in pursuing local historic district designation for the area which would give CHAP control over undertakings involving City-owned properties. At this time, CHAP and BDC indicated that it would be desirable to explore termination of the MOA should local historic district designation prove successful as this would result in a net gain of protected buildings on the West Side and would provide more clarity and streamline the review process for developers working in the West Side of Downtown Baltimore.

Eric Holcomb and Stacy Montgomery reported that CHAP is currently in the process of seeking local historic designation for the "Howard Street Commercial District" and the "Five and Dime District" as well as Landmark Designation for the Pratt Library and several associated buildings. CHAP staff will continue to work with private owners to designate individual buildings as City Landmarks when possible. Once these designations are in place, project reviews in this area would be carried out by CHAP, not the MHT, unless federal or state funds, permits or licenses were involved.

Discussion followed.

Mr. Spikes made the following motion. Mr. Reed seconded the motion which was approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends that the Director of the Maryland Historical Trust seek to terminate the January 31, 2001 West Side Memorandum of Agreement with the City of Baltimore following local historic district designation of the "Howard Street Commercial District" and the "Five and Dime District" by the Baltimore City Commission for Historical and Architectural Preservation.

X103R Friendship Hall Easement Breach Mitigation

This item was added to the agenda.

Mr. Day reported that in 2008, the Board of Trustees of the Maryland Historical Trust determined that the previous owner in title, David Moore, had breached the historic preservation Deed of Easement (the "Easement") that encumbers Friendship Hall by replacing the structure's roofing materials without the prior approval of the Director of the Trust. On February 28, 2008, the Trust accepted as mitigation for this breach an agreement made by Mr. Moore whereby he would amend the Easement to (1) incorporate into the Easement the historic lane and additional land in front of Friendship Hall and (2) replace the current roofing materials within 20 years of the execution of the amendment with materials determined by the Trust to be appropriate under the Secretary of the Interior Standards for the Treatment of Historic Properties.

Despite efforts by the Trust to get him to do so, Mr. Moore did not execute the contemplated amendment to the Easement prior to conveying the property to Ms. Anne Norton in 2012. By letters dated April 29, 2013 and October 5, 2015, the Trust forwarded to Ms. Norton final drafts of the contemplated amendment, and on both occasions asked that she execute the amendment. Ms. Norton failed to do so.

In February 2016, a final draft of the Second Amendment to Deed of Easement and Right of First Refusal (the "Amendment") was mailed to Ms. Norton. We advised Ms. Norton that if the Trust did not receive the executed document in a timely manner, staff of the Trust would recommend to the Board of Trustees that it modify the terms of mitigation approved in February 2008 to require that the roofing materials be replaced within 20 years of the Board's original approval of the mitigation on February 28, 2008, instead of within 20 years of the date of execution of the

amendment to the Easement. When, in 2008, the Board of Trustees agreed, as mitigation for the breach, to accept an amendment to the Easement—and, specifically, the condition that the roofing materials be replaced within 20 years of execution of the amendment—the Board contemplated that the amendment would be executed in relative short order. It did not contemplate or anticipate that eight years would pass without an executed document.

In March 2016, Ms. Norton informed Michael Day that she had received the Amendment and that she had sought counsel for legal advice. Thereafter, the OAG engaged with Ms. Norton's attorney to facilitate execution of the document. Counsel advised that Ms. Norton was out of the country, and would not be available to until after the spring academic semester had ended (she is a Professor at the University of Pennsylvania). Then, a couple weeks before the Board of Trustees' July meeting, her attorney informed the OAG that she had agreed to sign the Amendment as forwarded to her in February. However, on the eve of the July 28, 2016 Board meeting, she indicated that she was unready to sign the amendment and requested a reduction in the number of days that the property should be open to the public from five days to two days.

Since Ms. Norton had failed to provide the Trust with the signed Amendment, at the July 28, 2016 Board of Trustees meeting the Board voted to modify the mitigation approved in February 2008, as follows:

Mr. Delgado made the following motion. The motion was seconded by Mr. Callan and approved unanimously.

RESOLVED, that the Board's resolution made on February 28, 2008 - requiring, as mitigation for the unapproved roof replacement at Friendship Hall, that the property owner execute an amendment to the easement which, among other things, establishes that the roof must be replaced with approved materials within 20 years of the date of the amendment - be modified to require replacement of the roof with approved materials by no later than February 28, 2028.

X200 Survey, Registration, Community Education & Museums
X201 Maryland History Day Award Winner – Presentation by Lauren Hale

Mr. Edson introduced Judy Dobbs, Program Officer of the Maryland Humanities Council, to discuss Maryland History Day, a program of the Council. Ms. Dobbs explained that Maryland History Day is the state affiliate of the *National History Day*, an innovative nationwide program bringing history to life for middle and high school students. Working individually or in groups, students research historical topics of their choice based on an annual theme and present their findings and ideas in research papers, museum-type exhibits, dramatic performances, and multimedia documentaries. History and social studies professionals judge the work at local competitions, and the best of these projects are showcased at the Maryland History Day event held in the spring of each year. Finally, winning projects represent Maryland at the *National History Day* contest held each June at the University of Maryland, College Park.

Ms. Dobbs thanked the MHT Board for its annual donation to the Maryland Humanities Council to sponsor two achievement awards – one in the junior division (grades 6 through 8) and one in

the senior division (grades 9 through 12). Winners receive a cash prize and a plaque with the name of the Maryland Historical Trust, and sponsorship is also acknowledged in the Maryland History Day program, the National History Day program, and in press releases containing the names of Maryland History Day winners. In addition, schools receive information about the Maryland Historical Trust award at the time that History Day projects are solicited for the competition.

Junior Division Winners in 2016 - Presenting at the July 28 MHT Board meeting

Student:

Läuren Hale

Topic:

Encounters Through Art: How the Paintings of Thomas Moran Helped to Inspire

the Creation of Yellowstone National Park

Category:

Exhibit

School:

Northern Middle School

County:

Calvert County

Teacher:

Amanda Cain

Senior Division Winners in 2016

Students:

Cosimos Cendo and Christopher Reed

Topic:

Roanoke: England's First Attempt for Colonization of the New World

Category:

Documentary

School:

Allegany High School

County:

Allegany County

Teacher:

Tammy Twigg

Mr. Edson then invited student Lauren Hale to present her winning History Day project to the Board.

X202R Heritage Preservation Fund Project Selection for FY17

Mr. Day reminded the Board that at its December 7, 2006 meeting, the Board approved the Maryland Heritage Preservation Fund Disposition Policy and directed MHT staff to prepare specific project proposals, in accordance with that Policy, for funding from the Fund. Under the Policy, eligible projects include those representing significant "targets of opportunity" or high priority projects or programs to be initiated and conducted by the Trust which are not funded by the Trust's appropriated state budget.

Based on the Maryland Heritage Preservation Fund Disposition Policy, total approvals for expenditures from the Fund for FY17 shall not exceed six percent of the value of the Fund (contributions to the Fund, income, and appreciation) based on a four year rolling average of the Fund's market value minus any prior commitments not yet expended and by any restricted funds and interest earned on these funds that are included in the Fund. Based on the June 30, 2016 valuation of the MHT Board Heritage Preservation Fund, the Board may expend up to \$174,856.85 in fiscal year 2017.

Mr. Callan made a motion to approve the following resolution, seconded by Mr. Feldstein, which was unanimously approved.

RESOLVED. by the Board of Trustees of the Maryland Historical Trust, that an expenditure of up to \$168,275 from the MHT Heritage Preservation Fund in fiscal year 2017 to support the following projects is approved:

- Up to \$6,000 for the 2017 MHT Board's Preservation Awards Presentation and Reception;
- Up to \$10,000 for two Summer Internships in Historic Preservation;
- Up to \$50,000 for Architectural Survey Data Gap Analysis, Year 2;
- Up to \$1,500 for condition analysis of the Columbus Steam Engine:
- Up to \$7,200 to assist with Bald Friar Petroglyph conservation;
- Up to \$11,905 for the MHT Easement Inspector full time contractual position;
- Up to \$17,780 for the MHT Easement Processor part time contractual position:
- Up to \$12,900 for JPPM Carpeting Replacement;
- Up to \$500 for the Maryland Humanities Council History Day Prize;
- Up to \$3,000 for MHT Staff Recognition Awards:
- Up to \$20,000 for MHT Staff Training:
- Up to \$1,500 for the Patterson Center Greenhouse Restoration;
- Up to \$5,000 to sponsor Preservation Maryland's Best of Maryland and Summer School Programs;
- Up to \$5,000 for one Summer Internship in Archeology; and.
- Up to \$15,990 for a University of Maryland Graduate Assistant Internship for 2017-2018.

X203R HAF Orlando Ridout V Lecture - Sponsorship Request

As part of the City of Annapolis' celebration of the 50th Anniversary of the National Historic Preservation Act, the City and the Historic Annapolis Foundation will host the first annual Orlando Ridout V Memorial Lecture. This first lecture will feature Willie Graham, of Colonial Williamsburg, presenting his talk, "Documenting Our Architectural Past: The Legacy of Orlando Ridout V." HAF plans to endow the series as a way to carry on Orlando's passionate commitment to Annapolis and its history.

The event will be free and open to the public, and will include a small champagne reception afterwards. As it will be held in the legislative complex in Annapolis, it requires securing appropriate security for the event. If approved, the funds provided by the MHT Board will be used to pay overtime for the security guards. The Trust will provide \$500 in general funds from the agency operating budget to match the Board contribution.

Mr. Callan made the following motion. The motion was seconded by Mr. Charlton and approved unanimously.

RESOLVED that the Board of Trustees of the Maryland Historical Trust approves an expenditure of up to \$500 from the MHT Heritage Preservation Fund in fiscal year 2017 to support the first annual Orlando Ridout V Memorial lecture on October 12, 2016.

X204 Infill Development Study Discussion

Mr. Eshelman reported that this item was discussed in Committee but there was nothing to report at this time.

X205 Maryland Military Monuments Program Report

Nancy Kurtz, who staffs the Maryland Military Monuments Program, reported that the Maryland Military Monuments Commission was recently transferred to the Maryland Department of Planning from the Department of Veterans Affairs by Executive Order. Ms. Kurtz reported on the duties and activities of the Commission. She also reported on the grant program "Saving Hallowed Ground."

X206 JPPM Report

Mark Thompson, Director of Jefferson Patterson Park and Museum, provided a report on the current activities of JPPM.

X300 Management & Planning X301 Litigation & Legal Issues

Ms. Dellony stated that there was nothing to report at this time.

X302 Budget & Legislation

Joint Chairmen's Report: Mr. Day explained that The Report on the Fiscal 2017 State Operating Budget (SB190) and the State Capital Budget (SB 191) and Related Recommendations by the Chairmen of the Senate Budget and Taxation Committee and House Appropriations Committee (otherwise known as the Joint Chairmen's Report, or JCR) included the following language:

Preservation, Survey, and Museum Operating Funding Needs: The committees are concerned that the Maryland Department of Planning's (MDP) Maryland Historical Trust (MHT) no longer provides funding for the work done by the Historic Preservation Grant Program through non-capital grants, and the Museum Assistance Program through grants. Therefore, the committees request that MDP work with the Department of Budget and Management (DBM) and preservation advocates to identify the need and demand for preservation, survey, and museum (operating and capital) grant funding and future plans to address these statewide needs in a report to be submitted by September 1, 2016. For the report, MDP and DBM should also comment on potential innovative funding options available, the experience of nearby states, and the staff capacity necessary to administer these programs.

Staff have been working with partners to develop this document. The Trust has benefitted from the assistance of partner organizations like Preservation Maryland, the Archeological Society of Maryland, the Maryland Museums Association and others who have helped the agency to gather data about need and demand for the Trust's grant programs.

Section 20 Position Reductions: Mr. Day reported that, as enacted by the General Assembly, Section 20 of the fiscal year 2017 Budget Bill required the Governor to abolish 657 vacant positions and to reduce the appropriations of Executive Branch agencies by \$20 million in general funds and \$5 million in special funds in fiscal year 2017. Section 20 further required the Administration to have the Board of Public Works approve the position abolitions before July 1, 2016.

At the June 22 meeting of the Board of Public Works, these actions were taken. The Maryland Department of Planning lost 9 positions but only \$70,000 in general funds. Of those 9 positions, 2 were taken from the Trust and included the Administrative Assistant position (Jan Gowing) in the Office of Research, Survey and Registration and an Archeologist III position (Bruce Thompson) in the same office. The Gowing position has been backfilled by the transfer of Karen Kennedy from the Planning offices in Baltimore to the Trust's headquarters in Crownsville. The Thompson position was going to be converted for use as the Administrator of the Capital Historic Preservation Grant Program which is funded in the fiscal year 2018 capital budget. Absent that position, it is unclear whether the Trust will have the capacity to bring that program back in fiscal year 2018.

Operating and Capital Budget: Mr. Day reported that Trust staff are working with the Department to prepare the fiscal year 2018 operating budget which will be due to the Department of Budget and Management in September. The Capital Budget has been submitted and the hearing with the Department of Budget and Management is scheduled for September 16th.

<u>Federal Historic Preservation Fund (HPF) Appropriations</u>: During the week of July 11th, the House passed the <u>House Interior and Environment Appropriations Bill</u> (H.R 5538). The final bill approved by the House included the following funding levels for the HPF:

House HPF Appropriations

- SHPOs: \$47.925 million, \$1 million above FY16 enacted levels
- THPOs: \$11.985 million, \$2 million above FY16 enacted levels
- Civil Rights Grants: \$13 million, \$5 million above FY16 enacted levels
- Save America's Treasures: \$5 million, not included in FY16
- HBCU Preservation Program: \$5 million, not included in FY16
- Underserved Communities: \$500,000, same as FY16 enacted levels

Federal Historic Preservation Fund Reauthorization: On July 13th, by a unanimous vote, the House Committee on Natural Resources approved a bill, H.R. 2817, which would reauthorize the HPF for 7 years. The original version of the bill would have reauthorized the HPF for 10 years. The bill was amended to reduce the reauthorization to 7 years. The bill also was amended to change the National Register of Historic Places process for sites on federal lands. The SHPO would still have 45 days to comment. The National Historic Preservation Act would be changed so if the SHPO does not comment in 45 day, the SHPO is considered to be opposed to the nomination. The amendment would also require the Keeper of the Register to publish an explanation in the Federal Register if he or she chooses to reject the SHPO's recommendation.

A provision permanently reauthorizing the Historic Preservation Fund (HPF) remains as part of the Senate energy bill S.2012 which was passed in April. The House energy bill has no HPF reauthorization provision.

X303R Election of MHT Board Officers

The Bylaws of the MHT Board require the election of a Chairman, a Vice Chairman and a Treasurer at the first regular meeting of the Trustees after July 1. The term of officers shall be for two years and officers may not serve more than 3 consecutive terms.

Mr. Feldstein made the following motion. The motion was seconded by Mr. Reed and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the Nominating Committee's recommendation to appoint the following slate of officers for two year terms beginning on September 1, 2016:

Position	Name	Term	
Chairman	Charles Edson	2016-2018	
Vice Chairman	Alvin Luckenbach	2016-2018	
Treasurer	Brien Poffenberger	2016-2018	

X304R Election of the Executive Committee "Elected Trustee"

The Executive Committee of the Maryland Historical Trust Board of Trustees has the authority to act on behalf of the Trust at the request of the Director when such action is required prior to the scheduled meeting of the Trustees. The Executive Committee is required to maintain a record, or minutes, of its proceedings and report regularly to the Trustees.

According to the Bylaws of the Trust, the Executive Committee shall consist of the officers, the immediate past Chairman (if still a Trustee) or the current Chairman's designee, and one other Trustee elected by the Trustees at the time established for the election of officers. The terms of the Executive Committee members are concurrent with the terms of the officers. Margo Bailey served as the "Elected Trustee" from 2014-2016.

Mr. Luckenbach made the following motion. The motion was seconded by Mr. Reed and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the Nominating Committee's recommendation to appoint Margo Bailey as the Executive Committee's "Elected Trustee" for a two year term beginning on September 1, 2016:

X305R Appointment of MHT Area Representatives

The Bylaws of the Maryland Historical Trust Board of Trustees state that the Trustees may at any time elect persons to serve as Area Representatives to the Trust. The term of an Area

Representative is two years commencing on the first day of the first month following his or her election. The Bylaws permit up to ten Area Representatives to serve at one time.

The Nominating Committee submitted a slate of nominees for consideration by the Board for election.

Mr. Delgado made the following motion. The motion was seconded by Mr. Poffenberger and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the Nominating Committee's recommendation to appoint the following slate of Area Representatives for two year terms beginning on September 1, 2016:

	Name	County		
1	Harry T. Spikes, II	Baltimore City		
2	Martin Azola	Baltimore County		
3	Joshua D. Brown	Cecil County		
4	Ralph E. Eshelman	Calvert County		
5	Dean R. Camlin	Carroll County		
6	G. Bernard Callan	Frederick County		
7	Charlie Stek	Montgomery County		
8	W. Dickerson Charlton	Prince George's County		
9	Douglass C. Reed	Washington County		
1()	Vacant			

X306R Preservation Maryland Heritage Grant Program Selection Committee Appointment

A Grant Agreement was entered into on December 15, 1994, and subsequently extended in 2002 and again in 2004, by the Maryland Historical Trust (MHT) and Preservation Maryland (PM) to establish a fund (the "Fund") held and managed by PM and dedicated for historic preservation projects throughout the State. Interest carned on the Fund supports the Preservation Maryland Heritage Grant Program. Currently, the Grant Selection Committee meets three times per year to evaluate and select grant projects for funding.

The Selection Committee has seven members: three appointed by the Board of Trustees of PM: three appointed by the Board of Trustees of MHT; and one selected jointly by the President of PM and the Chairman of the MHT Board of Trustees. Selection Committee members serve two-year terms.

Member	Appointment	Term Expiration		
Samuel Parker, Chair	Joint	9/30/16		
Nakita Reed	PM	9/30/17		
Ann Powell	PM	9/30/16		
John Petro	PM	9/30/17		

Harry Spikes	MHT	6/30/17
Joshua Brown	MHT	6/30/17
Barrie Tilghman	MHT	6/30/17

Effective June 30, 2016, Barrie Tilghman will no longer serve on the MHT Board. Appointment of a replacement to complete her unexpired term is needed.

Mr. Edson asked for volunteers to fill Ms. Tilghman's unexpired term. No members stepped forward to volunteer so the issue was deferred to the next meeting of the Board.

Announcements

Mr. Edson reported that the next meeting of the Board is scheduled for October 6th at St. Mary's City. He invited Board members to take a tour of the offices of the Trust following lunch.

The meeting adjourned at 12:05 p.m.

Mr. Charles L. Edson, Chair

Elizabeth Hughes, Director

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